


# **EXHIBIT A**

## NYSCEF - New York State Courts Electronic Filing (Live System)

<< Return to [Search Results](#)**606045/2022 - Nassau County Supreme Court**Short Caption: **Jessica Freeman v. Chipotle Mexican Grill, Inc. et al**Case Type: **Torts - Other (Employment Discrimination)**Case Status: **Pre-RJI**eFiling Status: **Partial Participation Recorded****Narrow By Options**

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1	<a href="#">SUMMONS + COMPLAINT</a>	Harris, C. Filed: 05/09/2022 Received: 05/09/2022	<b>Processed</b> <a href="#">Confirmation Notice</a>
2	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	<b>Processed</b> <a href="#">Confirmation Notice</a>
3	<a href="#">AFFIDAVIT of mailing</a>	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	<b>Processed</b> <a href="#">Confirmation Notice</a>
4	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	Phillips, W. - filed by united process service, inc. Filed: 05/27/2022 Received: 05/27/2022	<b>Processed</b> <a href="#">Confirmation Notice</a>
5	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	Phillips, W. - filed by united process service, inc. Filed: 06/02/2022 Received: 06/02/2022	<b>Processed</b> <a href="#">Confirmation Notice</a>

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

-----X

JESSICA FREEMAN,

Plaintiff,

-against-

CHIPOTLE MEXICAN GRILL, INC. and  
CHIPOTLE SERVICES LLC d/b/a CHIPOTLE  
MEXICAN GRILL,

Defendants.

-----X

**Index No.**

Plaintiff designates: NASSAU  
COUNTY as the Place of trial

**SUMMONS**

The basis of the venue is:  
The County in which Defendants'  
offices are located

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the inconvenience relief demanded in the complaint.

Dated: New York, New York  
May 9, 2022

**PHILLIPS & ASSOCIATES,  
ATTORNEYS AT LAW, PLLC**

By: /s/ Cathryn Harris-Marchesi  
Cathryn Harris-Marchesi, Esq.  
Darnisha Lewis-Bonilla, Esq.  
*Attorneys for Plaintiff*  
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**FILED: NASSAU COUNTY CLERK 05/09/2022 04:07 PM**

INDEX NO. 606045/2022

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/09/2022

CHIPOTLE MEXICAN GRILL, INC.

Via Registered Agent

80 State Street

Albany, New York 11207

CHIPOTLE SERVICES, LLC

Via Place of Business

610 Newport Center Drive, Suite #1300

Newport Beach, CA 92660

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X Case No.  
JESSICA FREEMAN,

Plaintiff,

**COMPLAINT**

- against -

**PLAINTIFF DEMANDS  
A TRIAL BY JURY**

CHIPOTLE MEXICAN GRILL, INC., and  
CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE  
MEXICAN GRILL,

Defendants.

-----X  
JESSICA FREEMAN, ("Plaintiff"), by and through her attorneys, PHILLIPS &  
ASSOCIATES, Attorneys at Law, PLLC, against CHIPOTLE MEXICAN GRILL, INC.,  
and CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE MEXICAN GRILL,  
("Defendants"), alleges upon knowledge as to herself and her own actions and upon  
information and belief as to all other matters as follows:

**NATURE OF THE CASE**

1. Plaintiff complains pursuant to the discrimination provisions of the discrimination provisions of the **New York State Human Rights Law**, New York State Executive Law § 296, *et seq.* ("NYSHRL"), and seeks damages to redress the injuries Plaintiff has suffered as a result of being **discriminated against** by her employer on the basis of her **sexual orientation**.

**PARTIES**

2. At all relevant times herein, Plaintiff was and is a resident of the State of New York. She was and is a "person" and "employee" entitled to protection as defined by the NYSHRL. Plaintiff, a gay female, is in a protected class with respect to the NYSHRL.

3. Defendant, CHIPOTLE MEXICAN GRILL, INC. is upon information and belief, a foreign corporation duly incorporated in the State of California, doing business in the State of New York, County of Nassau. CHIPOTLE MEXICAN GRILL, INC. is, upon information and belief, an “employer” within the meaning of the statutes invoked hereunder.
4. Defendant CHIPOTLE SERVICES, LLC d/b/a CHIPOTLE MEXICAN GRILL, is a foreign Limited Liability Company doing business within the State of New York, County of Nassau, and is a wholly owned subsidiary of Defendant Chipotle Mexican Grill, Inc. Chipotle Services, LLC is upon information and belief an “employer” within the meaning of the statutes invoked hereunder.

#### MATERIAL FACTS

5. In or about October of 2019, Plaintiff began employment for Defendants as an Apprentice/General Manager.
6. Plaintiff was earning a salary of \$56,000 per year.
7. Plaintiff was undergoing a period of apprenticeship in preparation for being named to the position of General Manager (“GM”) in one of Defendant’s restaurant locations.
8. Throughout Plaintiff’s employment with Defendants, her performance met or exceeded Defendants’ reasonable expectations.
9. On July 25, 2020 Plaintiff was working at the Chipotle restaurant location at 215 N. Broadway, Hicksville, New York (the “Hicksville location”)
10. Plaintiff was working with Christian Aguilar (“Aguilar”), the GM of the Hicksville location, when she overheard a telephone conversation in which Aguilar told the other party in the conversation that Plaintiff purportedly was not efficient, that Defendants should

look for someone to replace her, and stated further “WHAT DO YOU EXPECT FROM A DYKE.”

11. Aguilar’s use of the word “Dyke” was a slur related to Plaintiff’s sexual orientation.
12. Plaintiff immediately objected to Aguilar’s slur against her sexual orientation, but Aguilar did not respond to Plaintiff’s objections and remained silent.
13. Plaintiff left the restaurant and received a phone call, and then a text from Field Leader Scott McMillan (“McMillan”), Aguilar’s supervisor.
14. Plaintiff informed McMillan via text message of what had happened with Aguilar and that she had left the restaurant as a result of the slur.
15. McMillan did not respond to Plaintiff’s text.
16. Plaintiff then left a voicemail message with Defendants’ Human Resources Department informing them of the above incident and requesting that the Human Resources Department contact her.
17. Defendants’ Human Resources Department did not contact Plaintiff until July 28, 2020, when Plaintiff received an e-mail from that Department containing an exit interview. The HR e-mail asked Plaintiff what happened and whether she needed someone to contact her.
18. Plaintiff responded, again advising the HR Department of the above incident involving Aguilar, and asked that someone contact her for more detail. Plaintiff additionally advised that she did not want to lose her job, wanted to speak to someone, and wanted to resolve the situation and return to work.
19. However, neither McMillan or the HR Department ever contacted Plaintiff again, and never made arrangements for Plaintiff to return to work.

**AS A FIRST CAUSE OF ACTION  
FOR DISCRIMINATION UNDER THE NYSHRL**

20. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.
21. New York Executive Law § 296 (a) provides that it is an unlawful discriminatory practice:  
  
For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.
22. As described above, Defendants discriminated against Plaintiff, and constructively discharged her on the basis of her sexual orientation in violation of the NYSHRL.
23. Defendants' conduct towards Plaintiff subjected Plaintiff to inferior terms, conditions and privileges of employment.
24. Defendants' unlawful conduct towards Plaintiff amounted to more than "petty slights or trivial inconveniences."
25. As a result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, economic loss, for which she is entitled to an award of monetary damages and other relief.
26. As a result of Defendants' unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, for which she is entitled to an award of monetary damages and other relief.
27. Defendants' unlawful discriminatory actions constitute malicious, willful, and wanton



violations of the NYSHRL, for which Plaintiff is entitled to an award of damages.

**JURY DEMAND**

28. Plaintiff requests a jury trial on all issues to be tried.

**WHEREFORE**, Plaintiff respectfully requests a judgment against Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the **New York State Human Rights Law**, New York State Executive Law, § 296 (“NYSHRL”) in that Defendants discriminated against Plaintiff on the basis of her sexual orientation;
- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant’s unlawful discrimination and retaliation, and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;
- D. Awarding Plaintiff punitive damages;
- E. Awarding Plaintiff attorneys’ fees, costs, disbursements, and expenses incurred in the prosecution of the action;
- F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants’ unlawful employment practices.

Dated: Garden City, New York  
May 9, 2022

RECEIVED NYSCEF: 05/09/2022

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FILED: NASSAU COUNTY CLERK 05/27/2022 09:16 AM

INDEX NO. 606045/2022

NYSCEF DOC. NO. 3  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

Attorney: PHILLIPS &amp; ASSOCIATES PLLC

RECEIVED NYSCEF: 05/27/2022

JESSICA FREEMAN

Plaintiff(s)

- against -

CHIPOTLE MEXICAN GRILL, INC., ETANO

Defendant(s)

The papers served bore the index # and date of filing.

Index # 606045/2022

Purchased May 9, 2022

## AFFIDAVIT OF SERVICE

STATE OF CA : COUNTY OF Orange ss:Nathan Willoughan BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES AT Tustin, CA 92780

That on May 18, 2022 at 01:45 PM at

610 NEWPORT CENTER DRIVE, SUITE #1300  
NEWPORT BEACH, CA 92660

deponent served the within SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) on CHIPOTLE SERVICES LLC D/B/A CHIPOTLE MEXICAN GRILL therein named.

BY LEAVING A TRUE COPY WITH BLAKE TAYLOR, CORPORATE SECURITY, BEING AUTHORIZED TO ACCEPT LEGAL PAPERS STATED.

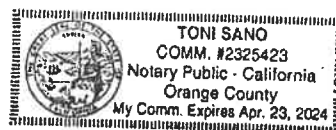
Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BLACK	BLACK	35	5'11	180

Sworn to me on:

May 20, 2022

Notary:

Paul ElmNathan Willoughan

Server:

Nathan Willoughan

Invoice #: 785469



**FILED: NASSAU COUNTY CLERK 05/27/2022 09:16 AM**

INDEX NO. 606045/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

Attorney: PHILLIPS &amp; ASSOCIATES PLLC 05/27/2022

JESSICA FREEMAN

Plaintiff(s)

- against -

CHIPOTLE MEXICAN GRILL, INC., ETANO

Defendant(s)

The papers served bore the index # and  
date of filing.

Index # 606045/2022

Purchased May 9, 2022


Mail Date May 24, 2022

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

CHRISTOPHER J. KLEIN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE  
AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.That on May 24, 2022 at a regular depository maintained by the United States Post Office deponent mailed a copy of the  
SUMMONS AND COMPLAINT WITH NOTICE OF ELECTRONIC FILING (MANDATORY) to CHIPOTLE SERVICES LLC  
D/B/A CHIPOTLE MEXICAN GRILL at610 NEWPORT CENTER DRIVE, SUITE #1300  
NEWPORT BEACH, CA 92660Copy was mailed REGULAR FIRST CLASS MAIL, and was marked personal & confidential and not indicating on the outside  
thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be  
served.

Sworn to me on: May 24, 2022

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Commission Expires November 26, 2023VINETTA BREWER  
Notary Public, State of New York  
No. 01BR4949206  
Qualified in Bronx County  
Commission Expires April 3, 2023JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Commission Expires February 10, 2026  
**CHRISTOPHER J. KLEIN**  
License #: 1188546  
Invoice #: 785469



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

STATEMENT OF AUTHORIZATION FOR  
ELECTRONIC FILING  
(Managing Attorney/Attorney in Charge for  
Multiple Attorneys, In Firm/ Agency)

I, William K. Phillips, Esq. (Attorney Registration No. 2743540),  
am the managing attorney of/attorney in charge of e-filing for the law firm/agency or department ("the  
Firm") Phillips Associates. I hereby acknowledge that \_\_\_\_\_  
("the filing agent") has registered as an authorized filing agent user of the New York State Courts  
Electronic Filing System ("NYSCEF") (User ID WK Phillips). Further, I represent  
that the attorneys in the Firm who are authorized users of the NYSCEF system hereby authorize the  
filing agent to file documents on their behalf and at their direction in any e-filed matter in which they  
are counsel of record through NYSCEF, as provided in Section 202.5-b(d)(1) of the Uniform Rules for  
the Trial Courts.

This authorization extends to any matter in which these attorneys have previously consented to  
e-filing or may hereafter consent and to any matter in which they authorize the filing agent to record  
consent in the NYSCEF system. This filing authorization extends to any and all documents these  
attorneys generate and submit to the filing agent for filing in any such matter. This authorization, posted  
once on the NYSCEF website as to each matter in which these attorneys are counsel of record, shall be  
deemed to accompany any document in that matter filed by the filing agent on behalf of these attorneys.

Where a document intended for filing includes secure information as set forth in the E-Filing  
Rules, the attorney will notify the filing agent and direct the filing agent to mark that document Secure  
in the NYSCEF system. These attorneys further authorize the filing agent to view such Secure  
documents that they have filed or that they generate and submit to the filing agent for filing in any such  
matter.

This authorization shall continue until the Firm or attorney revokes the authorization in writing  
on a prescribed form delivered to the E-Filing Resource Center.

Dated: 6/24/14

William K. Phillips

Signature

William K. Phillips

Print Name

Managing Member

Firm/Department

45 BROADWAY

Street Address

NY NY 10006

City, State and Zip Code

212-248-7431

Phone

WK Phillips@TPGLAWS.COM

E-Mail Address





Attorney: PHILLIPS & ASSOCIATES PLLC / 2022